IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HERIBERTO RODRIQUEZ,)	
)	2:10cv1383
Plaintiff,)	Electronic Filing
)	
v.)	Judge Cercone
)	Magistrate Judge Eddy
UNIT MANAGER WALKER, *et al.*,)	
)	
Defendants.)	

MEMORANDUM ORDER

The above captioned case was initiated by the filing of a Motion To Proceed *In Forma Pauperis* (ECF No. 1) on October 20, 2010, and was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the local rules of court.

On August 16, 2012, Magistrate Judge Cynthia Reed Eddy filed a Report and Recommendation (ECF No. 48) recommending that Defendants' Motion to Dismiss (ECF No. 28) be granted. Plaintiff was served with the Report and Recommendation at his listed address and was advised that he had until September 4, 2012, to file written objections to the Report and Recommendation. On August 22, 2012, Plaintiff filed a Motion for an Extension of Time to file objections (ECF No. 49), which the Court granted giving him until September 14, 2012, to file his objections. No objections have been filed.

After *de novo* review of the pleadings and documents in this case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 27 day of September, 2012,

IT IS HEREBY ORDERED that Defendants' Motion to Dismiss (ECF No. 28) is

GRANTED.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF. No. 48) dated August 16, 2012, is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

David Stewart Cercone
United States District Judge

cc: Heriberto Rodriquez
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